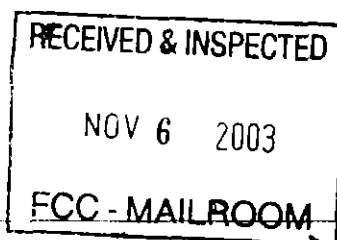


TIES

Connecting education and technology



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October 31, 2003

Federal Communications Commission
Office of the Secretary
9300 East Hampton Drive
Capitol Heights, MD 20743

Re: CC Docket No. 02-6, Request for Review

Dear Sir

This is a request for review of Schools and Libraries Division ("SLD") of the Universal Service Administrative Company ("USAC") denial of our appeal dated August 21, 2003. In our assessment, instead of addressing the issues identified in our appeal filed August 21, 2003 ("Second Appeal"), the SLD, in their denial letter dated October 28, 2003 reached back and reversed their original decision to approve (letter dated January, 21, 2002) our appeal filed October 8, 2001 ("First Appeal"). We are requesting a review of this reversal by the SLD and request that our Second Appeal be approved.

The following provides some facts and summarizes the process we have been through to get our Year 4 (funding July 1, 2001 to June 30, 2002) approved.

Some Application Related Facts

1	Applicant	Technology Information and Educational Services (TIES)
2	Entity Number	133565
3	Application Number	262586
4	Funding Requests #s	903255, 903658, 903661, and 903663
5	Funding Year	July 1, 2001 – June 30, 2002 (Also referred to as Year 4)

Summary of Events Through First Appeal and Application Approval

- 1 TIES filed Form 471 application for the Funding Year 4 according to SLD's guidelines and within the filing window.
- 2 Few months after the filing of the application TIES relocated to a different address.
- 3 Having not heard from the SLD on our application, TIES inquired about the status and was informed in late September, 2001 that it was rejected. Upon investigating we found out that the rejection letter was routed incorrectly (as a result of our move)

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and that our application was rejected because the signature on the application form was not original. We determined that the original signature sheet was filed and the copy submitted instead.

4 We decided to appeal the rejection to SLD. Attachment A is our appeal letter and referred to as First Appeal. In the appeal we indicated that

- TIES has been unable to file its appeal within thirty days because of the facility move and delay in finding out about the rejection
- TIES attached the copy of the signature instead of the original signature due to our rush to get the application in the mail

5 The SLD approved our appeal for Data Entry in their letter dated January 21, 2002 (See Attachment B) and informed that our application will be processed

6 TIES provided SLD our new address

7 There was request for supporting data from the SLD which was provided. Frequent inquiries elicited the response from the SLD that the application was in process

8 We became aware that our application was approved from SLD's web page and from a voice mail on March 25, 2003 from John Peznak (PIA Southeast Region) at SLD. This knowledge of approval was made well after services for Year 4 was obtained and paid for by TIES. ***We never received a Funding Commitment Letter.***

Summary of Events after Application Approval and Through Second Appeal

1 We used the SLD's search function on the web page to obtain detail information on the funding for use in filing the BEAR Forms. (Note: We did not file Form 486 not knowing whether we needed to do so for services that had already been rendered the previous year - approval was provided in first quarter of 2003 for services ending on June 30, 2002)

2 After filing the BEAR Forms we waited. Upon inquiring about the status of our BEAR Forms we were told that it was in process. Not once were we told that the SLD was waiting for Form 486.

3 Finally we were told on our last inquiry that the BEAR Forms were cancelled due to no Form 486. We were told by the Customer Service representative of SLD that we should ask for invoice deadline extension and go ahead and file Form 486.

4 We requested for an invoice extension to SLD via email and filed Form 486.

5 We never received any response to our request for extending the invoice deadline. We received a Form 486 notification letter dated August 13, 2003. This was the first letter we received at our new address. The letter changed the service start date and reduced the funding commitment amount to zero.

6 We filed an appeal to the SLD on August 21, 2003 (See Attachment C).

7 We never received an acknowledgement letter from the SLD that they had received our appeal. Frustrated and not knowing how we could get our appeal status, we solicited assistance from Senator Dayton's office.

8 Within 24 hours after a call from Mr. Bob Hall, Senator Dayton's staff representative, to Mr. John Noran, we were notified that the SLD had rejected our appeal. We received a letter dated October 28, 2003 from the SLD rejecting our appeal (See Attachment D).

The reason for rejection completely surprised us! The SLD asserted that the First Appeal should have never been approved because it was filed 71 days after the application rejection date of 7/31/2001

In our original appeal, we had indicated that we were outside the 30 day window because the rejection letter was not received by us until after the window had expired. This was because we had relocated and the letter was sent to the old address. The SLD approved that appeal having the knowledge that we were appealing outside the 30 day window.

Based on the original approval, TIES has in good faith followed through the process and request for supporting documentation from SLD. Despite the fact that we had not received the funding commitment letter, we obtained information from SLD's web site and filed BEAR Forms. Frequent inquiries about BEAR Form status did not elicit any information from SLD that we needed to file Form 486 (even though the year for which funding was requested had gone by) until it was too late. Our request for invoice extension went unanswered.

Based on the above facts, TIES requests a review of the SLD's decision and asks that the FCC reverse SLD's denial of our appeal and approve funding for Year 4 with appropriate date extension to allow us to reasonably comply with any forms that need to be filed.

We look forward to hearing from your office with a favorable response. Should you have any question, please feel free to contact me at 651-999-6010 or email me at whitcr@ties.k12.mn.us

Sincerely,



Lee Whitcraft
Co-Executive Director

cc Bob Hall, Senator Mark Dayton's staff

Attachment A - Original Appeal Dated October 8, 2001
Attachment B - Appeal Approval dated January 21, 2002
Attachment C - Second Appeal dated August 21, 2003
Attachment D - Appeal Rejected letter dated October 28, 2003